

forming a second mask on the substrate, the second mask defining a pattern corresponding to an optical structure to be formed in the second region of the substrate; and
etching the substrate having simultaneously thereon the first and second masks, without eroding said first and second masks, in order to form at least one optical device and the optical structure on the substrate,

REMARKS

Claims 1-25 are pending in the application. Claim 1, the only independent claim, has been amended has been amended herein. Claim 1 has been amended to state that the etching is performed on a substrate that has, simultaneously thereon, a first and a second mask. Support for this amendment can be found in the specification on page 9, lines 5-16. A marked-up copy of the amendment showing the changes which have been made is attached to this Response.

Claims 1-25 have been rejected under 35 U.S.C. §102(b) as being anticipated by, or, in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,049,978 to Bates et al. The rejection is traversed.

Bates, column 5, lines 38, does teach the use of a metal layer and a photoresist (masks). However, in Bates the photoresist material has been completely removed prior to the etching step as described in column 5, lines 24-27 and lines 32-24.

In contrast to Bates, in Applicant's invention both the metal layer and the photoresist are present during the etching step as stated in Applicants' specification, for example, on page 9, lines 11-12. Since Bates specifically teaches against the presence of both masks during the etching step, Applicants respectfully submit that claim 1, as amended, is allowable over the cited art with regard to both the anticipation and obviousness rejections. Further, Applicants respectfully submit that claims 2-25, all of which are directly or indirectly dependent on claim 1, are allowable for being dependent on an allowable claim.

In view of the foregoing difference between the cited art and the present invention as now claimed, Applicants respectfully submit that it is proper for the Examiner to withdraw the §102(b) and §103(a) rejections of the claimed invention and to allow the applicant to proceed to issue as a patent.